CONFERENCE ON DISARMAMENT

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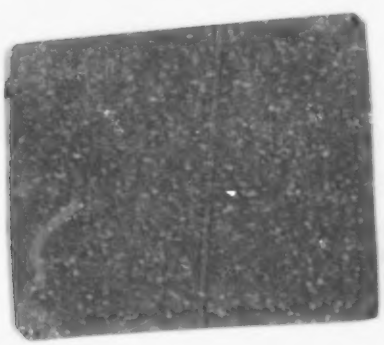
LETTER DATED 21 MAY 1997 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE BY THE REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY, TRANSMITTING A SUMMARY OF THE INTERNATIONAL EXPERT MEETING ON POSSIBLE VERIFICATION MEASURES FOR A CONVENTION TO BAN ANTI-PERSONNEL LANDMINES, HELD IN KÖNIGSWINTER, GERMANY, ON 24 AND 25 APRIL 1997

I have the honour to refer to the statement made by the German delegation in the 762nd plenary meeting of the Conference on Disarmament on 27 March 1997 informing the Conference on the International Expert Meeting on possible verification measures for a convention to ban anti-personnel landmines on 24 and 25 April 1997 in Königswinter, Germany. The German Government welcomes the fruitful discussions during this expert meeting, in which 120 States participated, as a valuable impetus to the broad international discussion on the issue of the verification of a future convention banning anti-personnel landmines, as well as on the convention itself.

The German Government has announced its intention to forward the results of these discussions to the participating States as well as to international fora concerned with the mines problem. In consequence, I have the honour to attach a summary of the discussions during this expert meeting and would be very grateful if this summary could be issued as an official document of the Conference on Disarmament and be distributed to delegations of all States Members of the Conference and of non-member States participating in the work of the Conference.

(Signed): Dr. Günther Seibert
Ambassador



International Expert Meeting on Possible Verification Measures for a Convention to Ban Anti-Personnel Landmines
Königswinter, 24 and 25 April 1997
SUMMARY

In Resolution 51/45 S, which was supported by 156 states, the UN General Assembly called for an "effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiations as soon as possible". In the international debate aimed at such an agreement the question of its verification proved to be complex and difficult. It became clear that it was necessary to discuss this issue in greater detail.

On Germany's initiative the "International Expert Meeting on Possible Verification Measures for a Convention to Ban Anti-Personnel Landmines", which was to discuss the components of a possible verification system without entering into negotiations, therefore took place in Königswinter on 24 and 25 April 1997. In its invitation, Germany had agreed to draw up a short summary of the discussion not binding on the participants.

Just under half of the 120 participating states took part in the exchange of views by presenting statements. Some states pointed out that silence on individual areas of the discussion does not imply consent. The expert meeting gave further impetus to the broad international discussion on the issue of the verification of a future convention banning APL, as well as of the convention itself. The starting-point for the exchange of views was an option paper on verification submitted by Germany which included tried and tested elements from arms-control treaties (information exchange, routine and challenge inspections). A number of states circulated position papers. In the main, the exchange of views went as follows:

There was widespread agreement that, in view of the urgency of resolving the humanitarian problems caused by the irresponsible use of anti-personnel landmines, it is essential that an international convention on the comprehensive banning of anti-personnel landmines (use, production, stockpiling, export) be concluded as soon as possible. Two different approaches were put forward on the nature of the envisaged convention. While some delegations regarded the

convention primarily as an international humanitarian treaty, others considered it to be mainly an arms control agreement. These differing basic approaches also marked the debate on verification.

The advocates of a humanitarian convention spoke in favour of the quickest possible conclusion of a binding international convention banning anti-personnel landmines. In their view, traditional verification systems, such as the ones designed for weapons of mass destruction, cannot be applied due to the special nature of the APL (small, easy to transport, weapons of defence rather than attack from a tactical point of view). Essentially verification had to be restricted to voluntary measures by states. This would mean limiting it to a loose network of transparency and co-operation measures, regular revision of the treaty, international co-operation, information exchanges, as well as systematic reporting. Violations of convention provisions should, in addition, be deterred by means of national penal provisions.

In contrast, a number of states held the view that, despite its humanitarian character, the envisaged convention banning anti-personnel landmines had to be regarded partly, if not largely, as an arms-control instrument. Although the military effectiveness of APL was questionable and utterly out of proportion with the humanitarian consequences of their use, relinquishing an entire category of weapons would still represent a disarmament measure. Transparency and confidence were most likely to develop if the observance of treaty provisions were to be made verifiable through a reliable and detailed verification system.

Numerous states spoke in favour of an efficient and cost-effective verification system which takes into account the special requirements of this category of weapons. Several participants named the following elements as possible components of a verification system, in some cases with reference to arrangements in other conventions (e.g. CWC, CCW):

- transparency through a comprehensive information exchange by way of a reporting system subject to time-limits and, as a prerequisite to this, an obligation to take effective legislative and administrative implementation measures;

- co-operation and consultation among the states parties to resolve substantive issues and disputes;

- prosecution of treaty violations as well as regular revision of the efficiency of the convention with the possibility of renegotiation;

- fact-finding on the ground in order to monitor the national measures taken within the framework of transparency and, where there is sufficient evidence, to follow up on treaty violations;

- inclusion of the United Nations in verification.

During the debate some support began to emerge for a middle course combining comprehensive co-operation and transparency measures with the possibility of effective fact-finding. Important areas of a future convention - production, export, use, destruction of stockpiles and the treatment of minefields - may require differentiated verification measures. Routine inspections were given little chance of realization in statements at the conference.

The representative of the International Committee of the Red Cross advocated a verification regime on a voluntary basis. The ICBL representatives argued in favour of a slim-line regime and referred to their proposals of December 1996 on formulating a verification regime. The representative of the United Nations emphasized that the Austrian draft treaty as well as various elements discussed at the conference assigned to the Secretary-General as depositary tasks which exceeded what has hitherto been the norm. The international community could, he said, provide for such an arrangement in a convention but would then have to equip the Secretary-General to fulfil the tasks assigned to him, not least financially.